

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Municipal Administration & Urban Development Department – Sri B. Namdev, Junior Assistant (Retired) Mahabubnagar Municipality – Commission of certain irregularities – Charges held proved - Impassment of punishment of 10% cut in pension permanently under A.P. Revised Pension Rules, 1980 – Orders – Issued

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.II-1) DEPARTMENT

G.O.Rt.No.3

Dated:2-01-2010.

Read the following:-

1. Charge Memo. Roc.No.49/2001-2/A3, dt.31-12-2001 of Regional Director-cum-Appellate Commissioner of M.A. Hyderabad
2. Proceedings of Regional Director-cum-Appellate Commissioner M.A. Hyderabad No.49/2001/A3, dt.5-3-2002.
3. From the District Project Officer, O/o. the Regional Director cum-Appellate Commissioner of M.A. Hyderabad & Enquiry Officer Letter No. /2002/DPO, dated:25-3-2002
4. Show Cause Notice Roc.No.49/2001-2/A3, dated:27-4-2002 of Regional Director-cum-A.C. of M.A. Hyderabad
5. Explanation From Sri B. Namdev, Junior Assistant, Mahabubnagar Municipality, dated:10-5-2002.
6. From the Regional Director-cum-AC of M.A. Hyderabad Letter Roc.No.49/2001/A3, dated:19-6-2002.
7. Govt.Memo.No.16622/L1/2002-4, M.A. dated:11-8-2003
8. Explanation from Sri B. Namdev, Junior Assistant (Retired) Mahabubnagar Municipality, dated:21-11-2003.
9. Govt.Memo.No.16622/L1/2002-9, dated:21-5-2004.
10. From the Hon'ble A.P.A.T. interim order dt.5-8-2004 in O.A.No.4442/2004,
11. Final order dated:3-4-2008 of the Hon'ble A.P.A.T. in O.A.No.4442/2004 with V.M.A. No.854/2004
12. Govt. Letter. No.16622/Vig.II-1/2002-41, dated:24-8-2009.
13. From the Secretary (I/c), A.P. Public Service Commission, Hyderabad Lr.No.1222/RT-I/3/2009, dated:5-11-2009

ORDER :-

In the reference first read above, the Regional Director-cum-Appellate Commissioner of Municipal Administration, Hyderabad has initiated disciplinary action by framing charges against Sri B. Namdev, Junior Assistant, Mahabubnagar Municipality on the allegation of misappropriation of Municipal funds to a tune of Rs.2,71,590.

2. In the reference 2nd read above, the Regional Director-cum-Appellate Commissioner of Municipal Administration, Hyderabad has appointed Sri Vijay Baru, D.P.O. O/o. the Commissioner and Director of Municipal Administration, Hyderabad as Enquiry Officer to inquire into the charges framed against Sri Namdev, Junior Assistant, Mahabubnagar Municipality.

3. In the reference 3rd read above, the Enquiry Officer has submitted Enquiry Report holding the charges as proved.

4. In the reference 4th read above, the Regional Director-cum-Appellate Commissioner of M.A. Hyderabad while communicating a copy of the enquiry report to Sri B. Namdev, Junior Assistant (Retired) directed him to show cause as to why the punishment of removal from service shall not be imposed on him for the charges held proved in the enquiry.

5. In the reference fifth read above, Sri B. Namdev, Junior Assistant (Retired) Mahabubnagar Municipality has submitted his explanation stating that he kept the amount of Rs.2,71,590/- in Municipal cash chest only unauthorizedly with an intention to remit the entire amount.

6. In the reference 6th read above, the Regional Director-cum-Appellate Commissioner of M.A. Hyderabad has informed that Sri B. Namdev, Junior Assistant, Mahabubnagar Municipality has retired from service on 30-4-2002 and therefore requested the Government to take suitable action and pass orders as deemed fit in the matter.

(P.T.O)

7. After examination of the Enquiry Report and explanation submitted by the charged officer Government have arrived at a provisional decision to impose the punishment of 10% cut in pension permanently under Rule-9 of A.P. Revised Pension Rules, 1980, and accordingly issued a show cause notice to Sri B. Namdeb, Junior Assistant (Retired) in the reference 7th read above.

8. The Charged Officer has submitted his explanation in the reference 8th read above. After examining of the explanation of the Charged Officer and keeping in view the findings of the enquiry officer the Government have considered the charges held proved against Sri B. Namdev, Junior Assistant (Retired) Mahabubnagar Municipality on the enquiry are grave in nature. Therefore the Government have provisionally decided to impose a punishment of 100% cut in pension permanently and gratuity of Sri B. Namdev, Junior Assistant (Retired) Mahabubnagar Municipality under Rule-9 of A.P. Revised Pension Rules, 1980, and accordingly a revised show cause notice has been issued vide reference 9th read above.

9. Sri B. Namdev, Junior Assistant (Retired) Mahabubnagar Municipality has approached the Hon'ble A.P.A.T. against the above show cause notice. In the reference 11th read above, the Hon'ble A.P. Administrative Tribunal in its judgment dt.3-4-2008 ordered as follows "the impugned Proceedings issued in Memo. No.16622/L1/2002-9, dated:21-5-2004 are arbitrary and illegal and they are, accordingly set aside. However, as a result of striking down of the said Memo. dt.21-5-2004, the Government would be at liberty to take further action already proposed in the earlier Government Memo.No.16622/L1/2002-4, M.A. dated:11-8-2003 with regard to the proposed punishment since the applicant has already submitted his explanation to the said Memo. The issue raised by the Applicant with regard to the letting off of colleague of his, is denied by the Respondent and it is clear that the individual, who has been charged along with the Applicant, by name Sri Abdul Basheer was also imposed a major punishment of reduction in rank and action has also been taken to proceed against the higher officials in the Department, who are said to have exhibited slack supervision. In the result, the O.A. is partially allowed in terms of the above orders.

10. The Government after careful examination of the matter have provisionally decided to implement the orders of Hon'ble A.P.A.T. Hyderabad dt.3-4-2008 i.e., to impose the punishment of 10% cut in pension permanently on Sri B. Namdev, Junior Assistant (Retired) Mahabubnagar Municipality. The A.P. Public Service Commission, Hyderabad in the reference 13th read above have agreed with the above proposal of the Government.

11. The Government after careful examination of the matter have decided to impose the punishment of 10% (Ten) cut in pension permanently on Sri B. Namdev, Junior Assistant (Retired) Mahabubnagar Municipality for the charges held proved in the enquiry. Accordingly, Government hereby order to impose the punishment of 10% (Ten) cut in pension permanently on Sri B. Namdev, Junior Assistant (Retired) Mahabubnagar Municipality under A.P.Revised Pension Rules, 1980.

12. The Commissioner & Director of Municipal Administration, Hyderabad shall take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**T.S. APPA RAO,
PRINCIPAL SECRETARY TO GOVERNMENT**

To.

Sri B. Namdev, Junior Assistant (Retired)

Mahabubnagr Municipality

Thro' the Commissioner & D.M.A. Hyderabad

The Commissioner & Director of Municipal Administration, Hyderabad

Copy to:

The Secretary, A.P.Public Service Commission, Hyderabad

The Secretary, A.P. Vigilance Commission, Hyderabad.

(w.r.to.Lr.No.17/VC.D1/2004-1, dt.11-2-2004)

The Accountant General (A&E) A.P. Hyderabad

The Pay and Accounts Officer, Hyderabad.

// Forwarded by order //

SECTION OFFICER